REMARKS

Claims 1-16 are all the claims pending in the application; claims 8-10 have been withdrawn from consideration; claims 1-7 and 11-16 have been rejected.

Upon entry of this amendment claims 1-16 will be canceled and claims 17-23 will be pending.

New claim 17 find support in original claim 5, and in the specification at page 5, lines 13-18, and at pages 15-18 ("Method for Detecting Antibody").

New claim 18 finds supports in original claims 8 and 12, and in the specification at page 5, lines 25-27, and page 6, lines 8-11.

New claim 19 finds supports in original claim 12, and in the specification at page 6, lines 8-11.

New claim 20 finds support in original claim 13, and in the specification at page 6, lines 12-15.

New claim 21 finds support in original claim 14, and in the specification at page 6, lines 16-19.

New claim 22 finds support in original claim 10, and in the specification at page 6, lines 1-4.

New claim 23 finds support in the specification at page 12, lines 8-25.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Formal Matters

Applicants thank the Examiner for returning signed and initialed copies of the document lists submitted with the Information Disclosure Statements in the application on March 22, 2004, and September 22, 2004. Applicants note that the Examiner has crossed through two citations on the document list filed March 22, 2004 (Narayan et al. and Pauli et al.). As both documents are in the electronic file wrapper, Applicants understand that the Examiner took such action because the complete citation was not provided on the document list for these two publications.

Applicants include the complete citation of both publications on the document list submitted with the Information Disclosure Statement being filed herewith, and respectfully

request the Examiner to acknowledge consideration of both publications. As these two documents were previously submitted, additional copies are not being filed herewith.

II. Specification

At paragraph 2 of the Office Action, the abstract is objected to because of grammatical problems.

Included herewith is a revised Abstract. In view of the revised Abstract, Applicants respectfully request reconsideration and withdrawal of this objection.

III. Rejection of Claims Under 35 U.S.C. §112

At paragraph 3 of the Office Action, claims 1-7 and 11-16 are rejected as being indefinite under 35 U.S.C. §112, second paragraph.

The Examiner states that the claims do not provide a minimal amount of information necessary to practice the method being recited in claim 1. In particular, the Examiner states that the method requires a contacting step, a detection step and a correlation step.

Included herewith are new claims 17-23, reciting the claimed invention more clearly and more fully in U.S. claim format.

In view of the amendment to the claims, the claims are definite as written and Applicants respectfully request reconsideration and withdrawal of this rejection.

IV. Rejection of Claims Under 35 U.S.C. §102

At paragraph 4 of the Office Action, claims 1-7 and 11-16 are rejected as being anticipated under 35 U.S.C. §102(b) by Yamaguchi (July, 2001).

The Examiner states that the claims are drawn to a method for detecting IgM and/or IgG antibodies to an antigen, specifically a BDV polypeptide from the p24 (SEQ ID NO:1) and/or p40 (SEQ ID NO:3) region.

The Examiner further states that Yamaguchi discloses a synthetic peptide-based assay (ECLIA) for anti-BDV p40 and p24 antibodies in rat and horse serum.

As claims 1-7 and 11-16 have been canceled, the present rejection is moot.

Moreover, Applicants note that prior to the present invention, the detection of BDV disease was based on assessing anti-BDV IgG antibodies in a sample. Indeed, Yamaguchi et al.

discloses at page 350 that an anti-rabbit IgG polyclonal antibody, an anti-rat IgG polyclonal antibody, and an anti-horse IgG polyclonal antibody were used in the ECLIA method taught therein.

In contrast, as described in the pending application, the present inventors have found that the precision of detection for an anti-BDV antibody is significantly improved by detecting not only an IgG antibody, but also an IgM antibody because class switching from the IgM antibody to the IgG antibody is slow.

Yamaguchi et al. does not disclose the use of an IgM antibody.

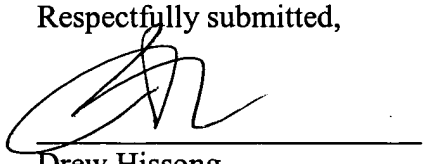
Because Yamaguchi et al. does not disclose "detecting an IgM and an IgG antibody" as recited in claim 17, Yamaguchi does not teach each and every element of new claims 17-23 and thus does not anticipate these claims.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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